

SUBCHAPTER V : LAKE BOB SANDLIN

§284.511. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Commission - The Texas Water Commission.

District - The Titus County Fresh Water Supply District No. 1.

Executive director - The executive director of the Texas Water Commission

Lake Bob Sandlin - The reservoir located in Titus, Franklin, Wood, and Camp Counties of Texas created by the construction of the Fort Sherman Dam on Big Cypress Creek.

msl - The abbreviation for mean sea level.

Organized disposal system - Any system for the collection, treatment, and disposal of sewage operated in accordance with the terms and conditions of a permit from the Texas Water Commission.

Private sewage facilities - All facilities, systems, and methods used for the disposal of sewage other than disposal systems operated under a permit issued by the commission.

Sewage - Waste that is primarily organic and biodegradable or decomposable and that generally originates as human, animal, or plant waste from certain activities, including using toilet facilities, washing, bathing, and preparing food.

Standards - The standards set forth in the pamphlet entitled "Construction Standards for On-Site Sewerage Facilities" and all future amendments thereto, which were adopted by the Texas Board of Health, pursuant to Texas Civil Statutes, Article 4477-1, as Texas Department of Health rules, 25 TAC §§301.11-301.17 (relating to Construction Standards for On-Site Sewerage Facilities), effective January 1, 1988.

Subdivision - A subdivision which has been platted and recorded with the county clerk of the county or counties in which the land lies, or which is required by statute to be so platted and recorded; or any 10 or more adjoining lots or tracts, each of which is less than one acre in size.

§284.512. Regulated Area.

The regulated area is the area for which provisions of this subchapter apply. This area is defined as all the area in Lake Bob Sandlin watershed bounded by a line parallel to and 2,000 feet from 337.5-foot MSL line (including the lake bed) measured horizontally away from the reservoir.

§284.513. Regulations Controlling the Discharge of Sewage within the Regulated Area.

All sewage disposal within the regulated area shall be in accordance with one of the following types of authorization:

(a) sewage discharged into an organized waste disposal system or other facility operating under a valid permit issued by the commission;

(b) sewage discharged into a private sewage facility licensed in accordance with the regulations contained in this subchapter; or, sewage discharged into an alternate type of private sewage facility approved by the Texas Department of Health and licensed by the district; or

(c) sewage discharged into a private sewage facility registered in accordance with the terms and conditions of this subchapter.

§284.514. Licensing Functions.

The Titus County Fresh Water Supply District No. 1 is designated by the commission to perform all of the licensing and registration functions of this subchapter. The district shall have the powers to:

(1) make reasonable inspections of all private sewage facilities located or to be located within the area covered by this subchapter; and

(2) collect all fees approved by the commission necessary to recover all the costs incurred in meeting the requirements of this subchapter.

§284.515. Licensing Requirements for New Private Sewage Facilities.

(a) New private sewage facilities, or existing private sewage facilities which are substantially or materially altered, to be located within the boundaries of the regulated area, or within an existing subdivision in the regulated area must meet the following requirements.

(1) A license must be obtained for the use of these facilities from the district.

(2) The lot or tract in question must be large enough, considering soil and drainage conditions and anticipated waste loading, to permit the use of a private sewage facility without causing water pollution, nuisance conditions, or endangerment to public health.

(b) All private sewage facilities to be installed or constructed after the effective date of this subchapter shall conform to the minimum standards as contained in the latest edition of the "Standards," a copy of which is available from the Titus County Fresh Water Supply District No. 1.

(c) Septic tanks for nonresidential institutions (motels, tourist camps, tourist courts, hospitals, service stations, etc.) to be installed or constructed after the effective date of this subchapter shall conform to the standards contained in Septic Tank Design - Institutions, which is found in "Standards."

(d) A new subdivision to be developed within the regulated area after the date of this subchapter which utilizes private sewage facilities must meet the following requirements.

(1) A license must be obtained from the district for each private sewage facility.

(2) Each lot or tract in the subdivision must be at least the size required by the latest edition of the "Standards."

(e) The following shall apply for new private sewage facilities.

(1) Any license issued under the authority of this subchapter will be transferred to a succeeding owner and such license will continue in existence for the unexpired term of the license provided the new owner applies to the district, and provided there is no significant change in the amount or quality of sewage to be placed in the private sewage facility. The district will charge a transfer fee whenever a license is transferred to a succeeding owner.

(2) Application forms for licenses may be obtained from the district. In order to initiate an application for a license, the completed application form, together with the appropriate fee, shall be filed with the district.

(3) The district will perform as soon as practicable such inspections and tests as may be deemed necessary.

(4) Upon a finding by the district that the use of the private sewage facility will not cause pollution or injury to the public health and is not in conflict with the terms and regulations of this subchapter, a license effective for a term of five years will be issued. At the end of five years, the system will be reinspected and an inspection fee assessed. A new license issued under the terms of this paragraph may be renewed for successive terms of five years.

(5) Upon a finding by the district that the private sewage facility will not be licensed, the applicant shall be notified in writing of that finding and of the reasons which prevent licensing.

(6) After notice of a violation to the person responsible for the maintenance of a private sewage facility, the district may revoke the permit if the violation is not corrected.

§284.516. Approval of Subdivision Plans for Private Sewage Facilities.

(a) Any developer or other interested person desiring to create a subdivision using private sewage facilities must obtain approval from the district of the plans for sewage disposal. The party must fulfill the following requirements.

(1) An application for approval of the subdivision sewage disposal plan and appropriate filing fee shall be submitted to the district.

(2) The developer shall inform each prospective buyer:

(a) that the subdivision is subject to all of the terms and conditions of this subchapter;

(b) that a license will be required for any private sewage facility constructed in the subdivision; and

(c) that a sewage disposal plan has been filed for the subdivision and that the areas suitable for private sewage facilities have been defined.

(3) If an investigation pursuant to this section reveals that a lot is not suitable for use of private sewage facilities, the prospective buyer shall be so notified.

(b) The district will perform necessary tests and inspections to determine whether the subdivision can be served with private sewage facilities. By agreement between the district and the developer, all or part of the tests may be performed by an engineering firm or soils testing laboratory approved by the district or of recognized ability. The district will notify the developer of the findings of its examination and will point out any deficiencies in the plan for sewage disposal. Specifically, the district will notify the developer of any areas not suitable for the use of private sewage facilities and whether the proposed developmental density is consistent with the use of private sewage facilities. Approval of a subdivision plan for disposal does not constitute a license for a specific private sewage facility. An approved plan is, however a prerequisite for obtaining a private sewage facility license in a subdivision.

§284.517. Existing Private Sewage Facilities.

(a) All licenses and registrations issued for private sewage facilities existing within the regulated area prior to May 18, 1976, pursuant to Texas Water Quality Board Order 76-0427-4 then in effect, now this subchapter, will remain in effect for the term stated therein as if issued under this subchapter.

(b) A registration issued under the authority of Texas Water Quality Board Order No. 76-0427-4 will be transferred to a succeeding owner, and such registration will continue in existence provided the new owner applies to the district.

(c) Registration in accordance with Texas Water Quality Board Order No. 76-0427-4 does not bar any action to abate a nuisance as defined in Texas Civil Statutes, Article 4477-1. If a registered system is found to be malfunctioning, the district may require licensing in accordance with §284.515 of this title (relating to Licensing Requirements for New Private Sewage Facilities)

§284.518. Connection of Private Sewage Facility to Organized Waste Collection, Treatment and Disposal Systems.

In order to implement the stated policy of the legislature and the commission that the development and use of organized waste collection, treatment, and/or disposal systems should be encouraged to meet the needs of the citizens of the state, and to prevent pollution and maintain and enhance the quality of the water in the state, the commission makes the following requirements.

(1) No license shall be issued for any private sewage facility when any part of the facility is closer than 300 feet in horizontal distance to an organized waste collection, treatment, and disposal system; rather the facility shall be connected to the organized system whenever feasible and legally possible.

(2) Whenever an organized waste collection, treatment, and disposal system is developed to within 300 feet in horizontal distance from any part of a private sewage facility, licensed or not, that facility shall be connected to the organized system whenever feasible and legally possible.

§284.519. Terms and Conditions for Granting of Exceptions.

The commission intends that the regulations contained in this subchapter be enforced but realizes that certain individual situations may require the granting of an exception to the requirements contained in the order so that hardships may be avoided. Therefore, the following terms and conditions are established.

(1) Any person desiring an exception shall file an application with the district for its analysis of the specific nature of the situation.

(2) The district shall review the application and issue a statement either granting or denying the application. When an application is denied, the statement shall set out the reasons for the district's decision and may also set out what corrective measures, if any, could be undertaken to achieve licensure.

§284.520. Terms and Conditions of Appeal.

(a) The commission intends that any disputes concerning the application of these rules to individual situations be negotiated to conclusion between the licensing authority and the individuals involved, if possible. However, any person aggrieved by an action or decision of the licensing authority may appeal to the Texas Water Commission if the following terms and conditions are met:

(1) All of the appropriate steps required of the aggrieved person by the terms and conditions of this subchapter have been met.

(2) The aggrieved person has made a conscientious effort to resolve his problem with the licensing authority.

(b) Appeal is properly made by the aggrieved party by filing a written statement stating with specificity the nature of the grievance. This statement is to be filed with the executive director of the commission, who will then cause notice of the appeal to be issued to the licensing authority. The executive director will then forward the appeal to the Texas Water Commission for its consideration.

§284.521. Severability Clause.

If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the validity of the remaining provisions of this subchapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

§284.522. Enforcement.

(a) Criminal penalty, Texas Water Code §26.214.

(1) A person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each day that a violation occurs constitutes a separate offense.

(2) Jurisdiction for prosecution of a suit under this section is in the justice of peace courts.

(3) Venue for prosecution of a suit under this section is in the justice of peace precinct in which the violation is alleged to have occurred.

(b) Civil Penalty. A person who violates any provision of this subchapter is subject to an injunction by court order and to a civil penalty for each act of violation and for each day of violation, to be recovered as provided in the Texas Water Code, Chapter 26.

§284.523. Fee Schedule.

License fees, inspection fees, registration fees, transfer fees, and renewal fees will be in accordance with a fee schedule established by the district. These fees shall be paid to and collected by the district so long as the district remains the delegatee of the commission for the purposes and functions specified in this subchapter. The establishment of the fee schedule does not impair or prohibit the imposition of reasonable charges by the district for special services performed by the District at the request of the applicant in connection with the presentation of an application and collection of required data. Percolation tests and other examinations will be performed by the district on a cost basis. These tests may also be performed by a registered engineer or a registered sanitarian.